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ADDITIONAL AUTHORITY
WHICH THE SOUTH COAST
AIR QUALITY MANAGEMENT
DISTRICT MAY NEED.
TO IMPLEMENT THE AQMP

AQMP

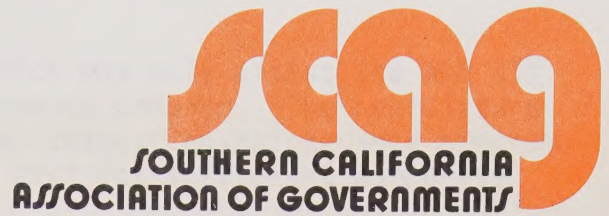


ADDITIONAL AUTHORITY
WHICH THE SOUTH COAST
AIR QUALITY MANAGEMENT
DISTRICT MAY NEED.
TO IMPLEMENT THE AQMP

DECEMBER 1977

FINAL REPORT

[SCAQMD]
*Air quality management for
California, Southern*
Southern California Association
of Governments
600 South Commonwealth Avenue
Los Angeles, California 90005



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December 8, 1977

Supervisor Al McCandless, Chairman
South Coast Air Quality Management District
9420 Telstar Avenue
El Monte, California 91731

Dear Mr. McCandless:

Under the Lewis Air Quality Act, SCAG is required to submit to the District Board by December 31, 1977, recommendations for any additional authority which the Legislature may need to delegate to the District in order for it to effectively implement the Air Quality Management Plan (AQMP). A draft report was submitted to the District Board and the Advisory Council in November. Following review by SCAG's Policy Committees and incorporation of changes submitted by the District's Advisory Council, the report was approved by the SCAG Executive Committee on December 1, 1977. The report and recommendations are being transmitted to the District Board in compliance with the statutory deadline.


Because the report precedes the final approval date of the AQMP by more than a year, it was not possible to identify all of the measures that will be contained in the final plan. Therefore, exact requirements for all needed authority could not be determined at this time.

Based on a review of previous proposals for air quality management and existing legal authority for their implementation, the report identifies four areas in which new authority for the District may need to be developed.

Pricing Systems: New authority would be needed by the District to control emissions by providing financial incentives or disincentives to individuals and firms. The Legislature should remove the restriction on emission fees which ties these fees solely to the cost of District operations.

Land Use: New authority may be needed by the District to require air quality considerations in general plans or implementation techniques to mitigate adverse air impact from growth and development.

Emission Allocation: New authority would be needed by the District to allocate emissions by jurisdictional or geographic areas. If emissions allocation is recommended as part of the AQMP, additional statutory authority may be needed to define the basis for allocations and establishing fair hearing procedures.



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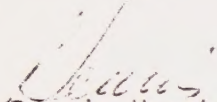
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Transportation Measures: At present, the District may only assist the ARB (if requested) in a motor vehicle inspection maintenance program. The Legislature should recognize there may be local needs for an Inspection-Maintenance program and that existing legislation may not give the District sufficient authority to employ this strategy.

The 1977 Amendments to the Clean Air Act require that the final AQMP include written evidence that state, general purpose local governments, or a regional agency designated by local governments have adopted legally enforceable regulations for implementing the plan. After the AQMP measures are identified and their legal authority determined, recommendations for any additional needed authority will be submitted to the District Board.

If there are any comments on the needed authority report, please contact Mr. Dave Di Julio, AQMP Program Manager.

Sincerely,



Dennis Hansberger
President

DH:RAD:da

AIR QUALITY MANAGEMENT PLANNING

South Coast Air Quality Management District

Al McCandless, Chairman (Supervisor, Riverside County)
J. E. Stuart, Air Pollution Control Officer

Southern California Association of Governments

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INTRODUCTION

Direct regulation of air pollution in the South Coast Air Basin is the responsibility of the U.S. Environmental Protection Agency, the California Air Resources Board and the South Coast Air Quality Management District. Although state law gives cities the authority to adopt stricter air pollution control ordinances than those of the county or regional air pollution control district, none have chosen to do so. However, the state, counties, cities and special districts exercise indirect air pollution control through land use and transportation control measures.

The Clean Air Act Amendments of 1977 require that the actions of all federal agencies be consistent with the approved air quality plan for the region. Sewage treatment funding, transportation funding and, in some cases, all federal funding may be withheld where this consistency is lacking. These consistency requirements, together with control strategies, will provide the framework for regional air management upon completion of the AQMP.

In general, all air pollution control methods, whether existing or potential, are based on one or more of the following general strategies:

1. Direct regulation of emissions
2. Pricing systems
3. Land Use Measures
4. Transportation Measures
5. Emissions Limits

Summaries of these strategies, together with existing authority to implement control measures, are listed on the next page. Following each strategy is a recommendation for new authority which is needed now, areas for further study and possible new authority later, or areas where no additional authority is needed because the District already has adequate authority.

SUMMARY AND RECOMMENDATIONS

Background:

The Lewis Air Quality Act (Sec. 40468 et seq. of the California Health and Safety Code) requires the Southern California Association of Governments to submit to the South Coast Air Quality Management District by December 31, 1977 recommendations for any additional authority which the Legislature may need to delegate to the District in order for it to effectively implement the Air Quality Management Plan (AQMP).

It is not possible at this time to identify details of the completed plan because the deadline for this legislatively mandated report on recommended District authority is more than a year in advance of the statutory approval date for the AQMP. However, it is possible to define the existing legal and regulatory framework for air pollution control. Potential air quality management strategies have been identified through review of previous proposals for air pollution control, and the present authority for their implementation has been determined.

This analysis also serves as the basis for the Legal Authorities section of the final AQMP. 1977 Amendments to the Clean Air Act require that all plans include written evidence that the State, general purpose local governments, or a regional agency designated by local governments have adopted enforceable regulations for implementing the AQMP.

Staff has prepared preliminary recommendations for additional authority which the District should be delegated by the Legislature at this time. Additional recommendations will be submitted to the District Board with the Regional Plan on September 1, 1978. AQMP staff will submit final recommendations for needed new authorities to implement the AQMP following public hearings on the Plan.

RECOMMENDATIONS

1. DIRECT REGULATION OF EMISSIONS. (Controlling pollution by regulating the allowable level of emissions from stationary and mobile point sources, e.g., stacks, pipes and vents. This strategy also includes controlling pollution by regulating such activities as open burning, spray painting, sandblasting, etc.)

Existing District Authority. Unless otherwise preempted by the State, the South Coast Air Quality Management District has authority to control pollution from all sources except vehicular emissions.

Existing Authority: Other Agencies. The California Air Resources Board has authority over motor vehicle emission standards, including those for used vehicles, motorcycles and heavy duty vehicles. The ARB also has authority over open burning and sandblasting.

RECOMMENDATION: No additional authority is needed by the District to regulate emissions.

The District has authority to control pollution from nearly all sources except vehicular sources. No additional authority is needed by the District over vehicular sources because the ARB has in place the administrative structure to regulate these emissions, and the District has authority to request ARB investigation of any vehicle pollution control device not previously tested by the ARB.

2. PRICING SYSTEMS. (Controlling emissions by providing financial incentives or disincentives to individuals or firms to regulate emissions, rather than pollution control through agency specification of equipment or allowable emissions levels. Strategies include: emissions fees based on quantity of total emissions, tax incentives, sale of pollution rights, award payments based on amount of pollution reduction achieved, direct payments or loans to industries or individuals to install control equipment.)

Existing District Authority: The South Coast Air Quality Management District has authority to charge permit fees based on quantities of emissions. The fees are to cover the cost of operations.

Existing Authority: Other Agencies. The California Pollution Control Financing Authority may grant low-interest loans to private industries to install pollution control equipment.

RECOMMENDATION: The Legislature should remove the restriction on emission fees which ties these fees solely to the cost of District operations.

Pricing strategies should be evaluated during preparation of the AQMP. If studies indicate the need for additional pricing strategies in the AQMP, recommendations for new authority in this area will accompany the draft AQMP.

3. LAND USE MEASURES. (Controlling emissions through locational decisions. Strategies for implementation include preconstruction review of new pollution sources, revisions of general plans, modifying zoning and building ordinances to reflect air quality concerns; population and growth controls; and use of vegetative buffers around pollution sources.)

Existing District Authority. The District has review and denial authority over new major direct sources of pollution. According to an opinion of the Attorney General, this authority may be extended to indirect sources which attract large number of automobiles. Buffers or other non-structural controls may be imposed by the District as part of its permit requirements.

Existing Authority: Other Agencies: Planning and zoning are local functions, administered by cities and counties under state guidelines.

RECOMMENDATION: No additional land use authority is recommended for the District at this time, (pending present AQMP studies on general planning process. However, additional recommendations for new District authority may be submitted later).

The District now has authority to deny major pollution sources. Authority may be extended to additional sources, both direct and indirect. Upon adoption of the State Implementation Plan for this Basin, the District may have additional implied powers through plan consistency requirements.

4. TRANSPORTATION MEASURES. (Controlling emissions through measures which reduce transportation-related pollution, particularly that from automobiles which are currently in use. These strategies include measures which improve the efficiency of existing pollution control equipment; measures which minimize emissions under sub-optimal operating conditions, e.g., freeway idling; transit incentives; and auto disincentives.)

Existing District Authority: The District may assist in the operation of an inspection-maintenance (IM) program upon the request of the Air Resources Board. The District may mandate transportation control measures to be implemented during emergency air pollution episodes.

Existing Authority: Other Agencies. Authority for implementing transportation measures is dispersed among local governments (control of streets); California Department of Transportation (freeways); transit agencies such as SCRTD (buses and other transit systems); Department of Motor Vehicles, etc.

RECOMMENDATION: "The Legislature should recognize there may be local needs for an Inspection-Maintenance program and that the existing legislation may not give the District sufficient authority to employ this strategy.

The 1977 Clean Air Act Amendments require the implementation of an inspection-maintenance program as a condition for extending attainment deadlines for the automobile-related pollutants, carbon monoxide and oxidant, from 1982 to 1987. To develop strategies based on the 1987 attainment date, the District must have assurance that the Inspection-Maintenance program for the South Coast Basin will be in operation by 1982. At present, the District can only assist the ARB in such a program -- it does not have authority to require an Inspection-Maintenance program to be implemented."

5. EMISSION LIMITS. (Controlling emissions through allocating emission levels and letting the private sector and/or local governments determine how these levels can be attained.)

Existing District Authority. Through its new source review rules the District now has limited authority to enforce a Basin-wide emission allocation.

Existing Authority: Other Agencies. The California Air Resources Board and U.S. Environmental Protection Agency also have limited authority to enforce a Basin-wide emission allocation through their review of the District's new source permits. Local governments have authority to initiate emission density zoning programs.

RECOMMENDATION: No new authority to allocate emission is needed by District at this time. Various strategies will be analyzed during AQMP development. If a strategy is selected for inclusion in the AQMP, recommendations for any needed new legislation will be submitted in the draft AQMP.

Implied authority to enforce allocation procedures may lie in the 1977 Clean Air Act Amendments through plan consistency requirements. This authority will be clarified in subsequent EPA Guidelines. Express authority is now lacking for enforcing emission allocation except where the District has issued a permit. Should the decision be made to specifically empower an agency to enforce emission allocations to jurisdictional or geographical units, additional state statutory authority may be needed to define the basis for determining allocations and establishing fair hearing procedures in the event of violations.

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
PRESENT AUTHORITY: AN OVERVIEW	3
PART I: CONTROL STRATEGIES	6
<u>DIRECT REGULATION</u>	7
Stationary Source Emissions	8
Mobile Source Emissions	11
Certain Pollution Causing Activities	13
<u>PRICING SYSTEMS</u>	14
Award Payments	15
Direct Payments	16
Tax Incentives	17
Emission Fees	18
Pollution Rights	20
<u>LAND USE CONTROLS</u>	21
Indirect Source Review	22
Air Quality Elements in Local General Plans	25
Zoning and Other Land Use Tools	27
Growth Management	29
Non-Structural Air Pollution Controls	30
<u>TRANSPORTATION MEASURES</u>	31
Measures to Improve Equipment Efficiency	32
Measures to Minimize Operational Emissions	33
Transit Incentives	
Auto Disincentives	
<u>EMISSION LIMITS</u>	36
Offset & Non Degradation Policies	37
Emission Allocation Procedures	38
Emission Allocation Planning	39

	<u>Page</u>
<u>FINDINGS</u>	46
PART II: EXISTING AUTHORITY FOR AIR POLLUTION PLANNING/IMPLEMENTATION	48
<u>AIR QUALITY PLANNING</u>	49
<u>AIR PLANNING IMPLEMENTATION</u>	52
<u>TRANSPORTATION PLANNING AND IMPLEMENTATION</u>	54
<u>FEDERAL PLAN COORDINATION</u>	56
Federal Planning Requirements	56
A-95 Review	57
Environmental Impact Statement	58
Consistency with Clean Air Act	59
<u>LOCAL PLANNING AND PLAN IMPLEMENTATION</u>	60
Planning Authority	
Local Plan Consistency to:	
Other Local Plans	61
State Plans	62
Environmental Reviews	
<u>INTERRELATIONSHIPS: A SUMMARY</u>	64
<u>FINDINGS</u>	66
BIBLIOGRAPHY	67-68

INTRODUCTION

The Lewis Air Quality Management Act requires (Health and Safety Code, Sec. 40468) the Southern California Association of Governments to submit to the South Coast Air Quality Management District by December 31, 1977, recommendations for additional authority which the Legislature may need to delegate to the District in order for the District to effectively implement its Air Quality Management Plan, now under preparation. Because the deadline for submittal of this "Needed Authorities" Report is more than a year earlier than the mandated approval date for the completed plan, it is not possible at this time to identify details of the final plan, and exact requirements for all needed authority cannot be selected.

However, it is possible to define the existing legal and regulatory framework for air pollution control. From review of previous proposals for air quality management, potential strategies for achieving air quality standards in the South Coast Basin can be identified, and existing authority for their implementation determined. This analysis will provide the basis for the state mandated report which will identify what new authority, if any, the District would need to implement any strategy included in the final Air Quality Management Plan.

The analysis will also provide a framework for the final Legal Authority report, required as a part of the State Implementation Plan (SIP) which the California Air Resources Board will submit to the U.S. Environmental Protection Agency upon approval of the Air Quality Management Plan. Federal Regulations (40 CFR 41.11) for preparing State Implementation Plans mandate that each plan show the State's legal authority to carry out the plan. The completed Air Quality Management Plan will become the SIP for the Basin.

1977 Amendments to the Clean Air Act (Sec. 172 (b) (19) require that plans:

"include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable document, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan"

EPA Guidelines will be revised to meet new requirements, and the Legal Authorities section of the AQMP will incorporate any new provisions.

The following report is divided into two main sections. Part I addresses various control strategies which may be utilized in the completed AQMP, and determines existing District authority for their implementation. Part II focuses on current federal, state and local plan requirements, including consistency requirements, and examines where existing implementation authority resides.

PRESENT AUTHORITY: AN OVERVIEW

In a 1974 article by William Simmons and Robert H. Cutting, Jr. (26, Hastings, L.J., p. 109) the existing regulatory structure for controlling air pollution was described as follows:

"It may seem from our discussion that it takes an extraordinarily complex bureaucracy to protect and enhance a resource which everyone once seemed to take for granted: clean air. Economists once spoke of air as the classic "free good", hopefully, few still harbor this tragically mistaken notion. Is the particular system for air quality management which exists in California today really a good one? Is it wastefully striated and diverse? Or does it balance the need for local input into the allocation process with the need to maintain certain statewide standards and policies for all citizens?"

The framework for air pollution control in the South Coast Air Basin, as discussed in the Simmons-Cutting article, is based largely upon statutory authority found in the Clean Air Act Amendments (42 U.S.C. 1857) (federal); the Mulford-Carrell Act of 1967 (state) and, now, the Lewis Air Quality Management Act of 1976 (regional). State law gives cities the authority to adopt air pollution control measures, but none has chosen to assume this authority, traditionally leaving control to the counties (with the exception of the Bay Area APCD and the South Coast Air Quality Management District where the counties share representation on the governing board with cities.)

Federal authority, administered through the United States Environmental Protection Agency, is primarily focused on (1) setting national ambient air quality standards for certain air contaminants;* (2) setting emissions standards for various stationary sources, including those which emit hazardous pollutants for which ambient air standards have not been established; (3) establishing mobile emission standards unless a state obtains a waiver to adopt California's higher standards; and (4) approving, disapproving and, where necessary, promulgating state plans to achieve federal air quality standards.

* Federal standards have been established for photochemical oxidants, carbon monoxide, nitrogen dioxide, sulfur dioxide and particulate matter. For detailed information about these pollutants and concentrations in this Basin, see "Air Quality and Meteorology, 1975 Report," Southern California APCD.

Except for federal mobile emission limitations, implementation of these requirements rests primarily on the states. However, the 1977 Clean Air Act Amendments provide the Administrator with the authority to impose sanctions in the form of limitations on federal grants to the states and their subdivisions for failure to comply with provisions of their State Implementation Plans, including plans promulgated by the Administrator.

Responsibility for administering both federal and state requirements in California rests with the California Air Resources Board. The ARB has authority to set ambient air* and vehicle emission standards, conduct research, and supervise the county and regional pollution control districts to insure that they adequately endeavor to meet state and federal air standards. Where county and regional air districts fail, in the opinion of the Air Resources Board, to fulfill these responsibilities, the ARB may adopt stricter rules and regulations, or may assume the powers of the district and undertake enforcement. Before the ARB can undertake this action, certain findings must be made.

Air pollution control districts may set more stringent standards than those contained in state law, and may impose specific emissions criteria for various sources. A city or county may adopt any ordinance with respect to air pollution control that is stricter than the rules of the District, and the South Coast Air Quality Management District is required to enforce any such rule.

Regulations developed by the Environmental Protection Agency to carry out the Clean Air Act provisions are published in the Federal Register and incorporated into the Code of Federal Regulations. Adopted regulations of the Air Resources Board are contained in the California Administrative Code, and regional rules for the South Coast Air Basin are in the Rules and Regulations of the South Coast Air Quality Management District.

This report concentrates on the basic enabling statutes which define authority, rather than on current implementation procedures contained in the regulations. Specific rules and certain court cases are cited only to clarify the application of some statutes.

* In addition to sometimes differing standards for the six pollutants currently regulated by federal law, California has also set standards for lead, hydrogen sulfide and visibility-reducing particles. See the "Air Pollution and Meteorology Report" of the SCAPCD.

Summary

In analyzing the regulatory structure for air pollution control in California, Simmons and Cutting, whose question introduced this section, concluded that air pollution is a regional phenomenon. At least in areas where the problem of air contaminants is relatively serious, the benefits of "grass roots" local control are outweighed by the need for regional regulation and for a strong state regulatory agency to supervise the activities of local and regional agencies to insure that certain standards are met throughout the state.

Since this article appeared, the California Legislature has created a regional district of local elected officials and one public member to manage air quality in the South Coast Air Basin, and the United States Congress has amended the Clean Air Act to require states to consult with local elected officials in each non-attainment area prior to designating agencies to prepare plans for attaining and maintaining federal air standards. Congress recommended that this agency should be an organization of elected officials of local governments and, where feasible, be the metropolitan planning organization designated to conduct comprehensive transportation planning and/or air quality maintenance planning for the region. Both the state and federal legislatures have thus moved to strengthen regional regulation and planning, while retaining local government participation.

The question which will be addressed, not only in this report but in the entire air quality management planning program as it evolves is: can the present system be improved still further to meet our air quality goals while balancing the need for local input to the process?

PART I
CONTROL STRATEGIES

PART I CONTROL STRATEGIES

Air pollution is controlled through a variety of techniques. Other strategies, still largely theoretical, have been proposed as alternatives to the present system. In general, all control methods are based on one or more of the following strategies:

- o Direct regulation of emissions or pollution-causing activities
- o Pricing systems based on emissions
- o Land use controls
- o Transportation measures
- o Emission limits

The following section examines some existing and proposed control strategies, listing strengths and weaknesses for each, and identifying whether the District has the authority under current enabling legislation to undertake their implementation. Where strategies are already in effect, specific District regulations are cited.

DIRECT REGULATION

California's basic strategy for controlling air pollution is to regulate what goes into the air from specific types of point sources, both stationary and mobile. In determining these regulations, either emission or performance standards are established for various categories of pollution sources. Regulations are also established to restrict certain activities which cause substantial amounts of pollution or to require substitution of less polluting fuels or products where such are available.

Stationary Source Emissions

Prior to the mid-1940's, air pollution was largely controlled through such traditional legal tools as the nuisance doctrine. After World War II, it became apparent that these tools were insufficient in themselves to control air contaminants, especially in areas where sources were both numerous and diverse. In 1947 Los Angeles County obtained special legislation empowering a separate agency to control air pollution through limiting the amount of emissions released into the atmosphere. Other counties were permitted to form control districts; in 1970, the State required all counties to form such districts.

County and regional district efforts have largely concentrated on controlling emissions from stationary sources. Two basic strategies are utilized by these districts: emission standards and performance standards.

Emission standards specify what quantity of a stated material may be released into the air. Performance standards specify the type of equipment or process which must be used to achieve the limitations, based upon the tested performance level of the equipment or processes for achieving the permissible level of emissions. Emission standards may be "technology forcing," requiring new equipment designs to achieve limits. Standards which rely on commercially available equipment are often less stringent.

Implementing ordinances usually specify both the types of pollutants and the types of sources to be regulated. Sections concerned with pollutants establish tests and standards, while those concerned with sources provide for improvements in machinery design. Standards for specific pollutant regulations may be phrased in terms of maximum optical density or maximum particulate or gas content of emissions.

Regulations for the various types of air pollution sources may also prohibit the use of equipment or fuels known to cause pollution. The ban may be effected through any of four general methods: prohibiting or regulating the use of certain types of fuel (e.g., high sulfur oil), equipment or activity; establishing minimum design standards for pollution-causing equipment; establishing operational standards, and requiring the use of specific types of control equipment.

Compliance is usually obtained through a permit system giving an authority to construct and/or operate. Under the former, the control agency reviews building and equipment plans prior to construction to assure consistency with existing regulations. A permit to operate is issued after construction to insure that the approved design has been carried out and, following performance testing, is functioning at its intended level of efficiency. The permit to operate may be a one-time permit or it may be renewed annually. Whether or not such a renewal schedule is in effect, random inspections may be utilized to secure compliance.

Annual renewals, where inspections are also required, have the advantage of enabling the control agency to regulate pollution sources with a greater degree of certainty. However, to function well, the system requires a large agency staff. Higher administrative costs and possible industrial objections to the downtime required for inspection may be reduced through greater reliance on in-stack monitoring devices and other automated measurement equipment. Use of this equipment also increases the accuracy of monitoring.

With the possible exception of installing scrubbers on power plants, no major breakthrough is anticipated in stationary source emission control technology in this region. Rather, attention is currently focused on tightening existing emission limitations, or extending regulations to sources which have not been covered to date, particularly users of organic solvents and architectural coatings.

DISTRICT AUTHORITY TO REGULATE STATIONARY SOURCE EMISSIONS.
Existing. Section 39002 of the Health and Safety Code gives local and regional authorities primary responsibility for control of air pollution from all sources other than vehicular sources. Section 40440 (a) of the California Health and Safety Code requires the South Coast Air Quality Management District to adopt rules and regulations which are not in conflict with federal and state laws and regulations and which reflect the best available* technological and administrative practices.

* State law does not define "best available technology." The 1977 Clean Air Act amendments (Sec. 169) define "best available control technology" as it applies to "major" (emitting over 100 tons annually) sources in non-deterioration areas:

"(3) The term 'best available control technology' means an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of 'best available control technology' result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act."

Mobile Source Emissions

The relationship between air pollution and vehicle emissions was pinpointed in 1953, and was followed by research on vehicle-related pollution initiated by the Los Angeles County Air Pollution Control District. California, in 1960, preempted district authority to regulate emissions from moving sources. Early standards concentrated first on reducing hydrocarbons emissions. Standards later were extended to carbon monoxide and nitrogen oxides from the tailpipes of light-duty vehicles.

Standards for heavy-duty trucks and buses are also set by the state. State regulation extends to emission controls on used vehicles. Although the federal government preempted other states' automobile emission control in 1970, California, through waiver, has been allowed to set more stringent standards. (In 1977, Congress (Sec. 207, Clean Air Act Amendments, 1977) permitted other states to adopt California's higher standards under certain conditions.)

In effect, California has served as the nation's testing ground for automobile emission standards. As automobile emissions have been increasingly controlled (now approximately 85% reduction over unregulated emissions), attention has increasingly focused on both the use of these vehicles (see section on Transportation measures) and on controlling other sources of mobile emissions. The latter include emissions from aircraft, ships, railroads, heavy-duty vehicles, and such offroad vehicles as tractors, power lawn-mowers, power boats, dune buggies, cross-country motorcycles, etc. (Motorcycles intended for use on streets and highways have already been regulated.) Although the new categories may be insignificant sources of emissions compared to unregulated automobiles, they are contributing an increasingly large share of the pollutant load in the South Coast Air Basin.

DISTRICT AUTHORITY TO REGULATE:

- o Motor Vehicle Emissions: None. May recommend study of new devices to ARB (H&S Code 40447). Sec. 43103 (H&S Code) gives the Air Resources Board authority to adopt and implement motor vehicle emission standards. (Currently these have been extended to light and heavy-duty motor vehicles and to motorcycles).
- o Aircraft Engine Emissions: None. Preempted by federal government (1970 Clean Air Act Amendments Sec. 231(c)).
- o Railroad Emissions: None. 1977 Clean Air Act Amendments (Sec. 404(a)) authorized EPA study. Sec. 40702 of the Health and Safety Code prohibits a district from enacting any regulation specifying the design of equipment, type of construction or particular method to be used in reducing the release of air contaminants from railroad locomotives.

- o Ship Emissions: District authority may impose emissions standards or regulations to the limit of federal jurisdiction (12 miles or more, under certain conditions) as part of an approved State Implementation Plan for achieving and maintaining air quality standards. However, the Coast Guard retains authority to protect the marine environment and to assure vessel safety, and any conflicts must be resolved in favor of preserving lives and property. The District may also impose reasonable regulations on ships docked in harbors, in which case ships are treated as stationary sources.

Certain Pollution Causing Activities

Certain activities which cause pollution do not fall into neat categories; while they may be considered "point sources," they may occur at the same point only very infrequently. Examples of such actions include: sandblasting, burning of logging wastes, agricultural burning, commercial pest control, etc. Other actions may occur regularly but be either so small or so numerous that enforcement is all but impossible, e.g., backyard barbecuing, application of home garden pesticides, housepainting, use of household aerosols, etc. Perhaps the earliest action to regulate this type of activity occurred when the Los Angeles County APCD banned the use of backyard incinerators.

Some types of household products are especially volatile--restrictions could be placed on the sale of these products in the South Coast Air Basin. To otherwise enforce limits on their use could amount to an invasion of privacy, and enforcement would be extremely costly in terms of personnel.

DISTRICT AUTHORITY TO REGULATE POLLUTION-CAUSING ACTIVITIES: Existing. Sec. 41700 of the Health and Safety Code limits any person from discharging quantities of air contaminants or other material which cause injury, nuisance to considerable numbers of persons, or inflict damage to property. The state has set state-wide limitations on sandblasting, prohibiting any district from adopting regulations in this field (Sec. 41904). It has also established statewide standards for open burning (Sec. 41850 for agricultural burning.) Otherwise, Sec. 40000 gives local and regional authorities primary responsibility for control of air pollution from all sources other than motor vehicles.

PRICING SYSTEMS

Economists have frequently argued that the traditional regulatory approach to controlling air pollution may not be the most efficient way to achieve clean air. Setting equal standards for the same pollutant may be inefficient: it may cost one industry or firm substantially more to meet a given standard than it does another. Specified equipment may be mandated to achieve the "average" level of control. A firm is prohibited from achieving greater emissions reductions than the required minimum, even if it could economically do so through use of another method of control.

The economists' theory is scheduled for analysis: Section 405 of the Clean Air Act Amendments of 1977 requires EPA and the Council of Economic Advisors to undertake a study and assessment of economic measures for the control of air pollution.

The various pricing proposals presented here are aimed either at letting the market determine the most efficient means of pollution control or easing the immediate financial burden of strict controls. The latter, it is argued, is necessary if control agencies are to impose the best technology available at any given point in time. Otherwise, standards may be set to achieve the average level of control in order to protect small firms. However in this Basin SCAQMD rules are, in many cases, applicable to specific industries or sizes of industries rather than based on one uniform standard.

Award Payments

Emissions reduction payments (or award payments) could, theoretically, be given, based on the amount of abatement achieved (i.e., pounds of pollutants recovered or prevented) or on the achievement or maintenance of a given standard of performance, with graduated payments for various levels of performance.

Award payments avoid one problem of tax incentives: they are determined for each individual source on an annual basis and therefore receive much closer scrutiny than a blanket tax incentive which is given for installing equipment, but which does not measure whether the equipment actually achieves the desired goal. They do, however, introduce an additional set of problems: they rely on precise measurement devices in order to produce a reliable program of award payments; they require design of a payment system in a manner which discourages slow phasing down of pollution when clean-up could be done in a shorter period of time; they do not provide a means for distinguishing between the firm which would, in its own interest, install the same equipment without a payment because, for example, a market has developed for the pollution by-product. In this regard, they introduce equity concerns over whether a firm has, at public expense, been given an opportunity to reap "windfall" profits.

DISTRICT AUTHORITY TO MAKE EMISSION REDUCTION PAYMENTS: None. The SCAQMD is authorized to investigate alternative methods of financing its own operations. Although it was instructed by the Legislature in the Lewis Act (H&S Code Sec. 40403) to consider the problems of small business and to assist in the acquisition of low-interest financing for pollution control equipment, there is no expressed authority to raise revenues in order to make direct cash payments.

Direct Payments for Cost of Control Equipment

Direct payments for all or part of the cost of installing control equipment allows close scrutiny over the type of equipment and the proposed method of operation, thus avoiding the after-the-fact tax incentive approach. The method also eliminates the administrative problems connected with establishing a sliding scale performance standard applicable to thousands of sources in a large region.

Although direct payments, like the above pricing mechanisms, run counter to the desire for industry to internalize its costs, they can afford a means of introducing new technology at an earlier date than would otherwise be possible. For example, a new technological breakthrough may provide a sharp reduction over pollutants released from existing control devices. However, the cost may be extremely high--too high for a very small firm to install the new equipment and meet tests of reasonableness, especially when the cost of earlier equipment had not yet been fully discounted. If the new device, applied to many firms simultaneously, could achieve a significant reduction in pollution, it may be in the public interest to make outright grants or loans to businesses in order to achieve an immediate air quality gain.

DISTRICT AUTHORITY TO MAKE PAYMENTS FOR CONTROL EQUIPMENT: None. However, authority does exist with the California Pollution Control Financing Authority (H&S Code Sec. 44500 et. seq.) for granting low-interest loans to private industries to install pollution control equipment. The SCAQMD is instructed in Sec. 40408 to assist small businesses in securing low interest financing.

Tax Incentives

Fostering "desirable" behavior through tax incentives and discouraging actions which policy-makers deem not to be in the public interest through disincentives have been traditional mechanisms in American society. From December 31, 1968 through 1973, tax incentives were given (Sec. 169 of the Internal Revenue Code) to industry to install facilities to control air or water pollution.

These tax incentives for pollution control were based on the recognition that society, in changing from an attitude which accepted industry's use of air and water as a "free" dumping ground to one which closed the doors to this practice, was imposing new costs on industry. These costs could be substantially higher for an existing plant than for a new plant which installed pollution control equipment as part of its original design.

Tax incentives can serve to promote innovative control techniques--actions which industry is unlikely to take, even if they could result in some operational savings, if the overall cost remains high because the initial cost of the equipment has not been written-off. However, incentives to install new equipment concentrate control efforts on a "technological fix" when there might be other methods (e.g., changes in operating methods or fuel composition) which could achieve the same ends at lower cost. Tax incentives, once established, tend to remain in effect, even when the original goal has been achieved. Because tax incentives erode the overall tax base they must be considered in terms of revenue foregone in determining their cost effectiveness.

Other forms of taxation, e.g., property tax reductions for so-called "clean" industry, may provide incentives for indirect pollution control.

DISTRICT AUTHORITY TO PROVIDE TAX INCENTIVES: None. The District has no direct taxing authority.

Emission Fees

Under this system, a charge, or "disposal fee," is levied on all those who release their wastes into the atmosphere. The fee can vary by location and type of pollutant, and increases as the amount of discharge increases. The technique is based on the principle that if a person is charged for disposing of his wastes he will find ways to reduce the amount. The more he is charged, the stronger the incentive he will have to find some less damaging method of waste disposal. (J.H. Dales--Pollution, Property & Prices, 93-97.)

The amount of the fees is determined by the regulatory agency and is set at the level by which the charge for releasing emissions into the atmosphere just exceeds the cost to the industry of cleaning up the pollution. To determine the "correct" price requires "trial and error pricing" by the regulatory agency until the total amount of wastes discharged into the atmosphere is equal to or slightly below the target figure set for the Basin.

Supporters of this system argue that it provides the incentive for technological improvements. It is unlike a system which specifies the control equipment, requiring each manufacturer to apply the mandated controls even if he knows of a process by which greater pollution reduction can be obtained at a lower cost per manufactured unit.

Two forms of emissions fee pricing have been proposed: one would require a neutral "polluter-locational" pricing policy (equal prices throughout an area); the other, relatively lower prices in different parts of the region on the assumption that damage costs differ according to location.

Environmentalists argue that the fee system relies on free competition and ignores the reality of firms which are more readily able to pass their costs on to consumers. Another frequently raised objection is on the use of the collected fees--at what point does the collector see the fee as a source of revenue rather than a deterrent to pollution? Would the agency be under pressure to keep costs just low enough to continue pollution rather than to force internalization of costs through installation of new control equipment? Should a neutral collection agency be utilized?

Administrative difficulties are also cited as arguments against the exclusive use of this control mechanism. Air pollution is particularly difficult to control because of the problems encountered in metering a number of small emitters whose individual contribution to the pollution problem is small, but whose collective impact is too great to be ignored. Monitoring and metering loom as the major obstacles, with administrative costs running high.

The smaller the firm relative to the average firm in an industry, the greater the probable financial burden of installing air pollution control equipment. It is easier for the larger emitter to reduce his costs than it is for the small emitter. To set a fee high enough to force installation of new equipment could place disproportionate burdens on small firms.

DISTRICT AUTHORITY TO CHARGE FEES BASED ON EMISSIONS:

Existing. Authorized in part by Health and Safety Code Sec. 40510 which permits the District to adopt a fee schedule for the issuance of variances and permits to cover the cost of planning, inspection and monitoring. The fees may be varied according to the quantity of emissions and the effect of such emissions on the ambient air quality within the South Coast District. SCAQMD Rule 301(d), which bases the fee on quantity of emissions for major sources, is designed as a revenue producer, not pollution deterrent.

Pollution Rights

This approach would determine the maximum number of units of any given pollutant permissible in an air basin. That figure would then be translated into "pollution rights", each unit of which would entitle the possessor to discharge that exact amount of effluent into the atmosphere. The "rights" would be traded on an open market, and the price for each "right" allowed to float above a predetermined floor.

The theory upon which this proposal is based (J. H. Dales: Pollution, Property and Prices) holds that the resulting price will reflect the true value of air pollution and force internalization of costs. Industry must either develop an alternative to emission rights or buy up the right to pollute. These rights would not be limited to actual users - environmental groups, for example, could buy up rights and hold them off the market, thus reducing the level of pollution permitted at a given time. Large firms and speculators could also buy up rights and hold them off the market, achieving temporary pollution reduction, but providing a reserve of emissions for future growth and development. Public agencies could hold a sufficient number of rights off the market initially to allow for growth of vital services, e.g. hospitals.

Proponents of the theory argue that it would require a minimum of public agency regulation and reduce current administrative costs. However an agency would still be required to monitor sources to insure that only those who held rights were discharging emissions, and that they were discharging only the amount of pollution to which they held rights. The concept of a "right to pollute" is offensive to some people, particularly environmental groups. Questions have also been raised about whether a baseline would ever be altered to allow additional pollution (under pressure from industry) or adjusted to lower levels should future research determine that the baseline was inadequate to protect public health. In the latter case, an unresolved question is whether the public would be required to buy up sufficient "rights" at a very high price in order to attain this reduction. There are also constitutional questions regarding the "taking" of a property right once conferred.

DISTRICT AUTHORITY TO AWARD POLLUTION RIGHTS: None.
In effect, the District now determines the amount of emissions permitted in the Basin in order to achieve standards. However, there is no mechanism for translating these amounts into "rights" or setting a monetary value upon them.

LAND USE CONTROLS

Technology-oriented pollution control programs cannot fully ensure that air quality standards will be achieved and maintained in areas where existing pollution loads far exceed standards or where increases of controlled emissions will serve, in time, to offset reductions achieved through regulation. (Croker: Relationship Between Land Use and Environmental Protection). In recognition, the 1970 Clean Air Act (42 USC 1857 et seq.) required State Implementation Plans to contain emission limitations, schedules, timetables, and "such other measures as may be necessary, including, but not limited to, land use and transportation controls." (Section 110 of the Act). What, precisely, Congress intended to be included in these land use measures has been a subject of discussion for seven years. In 1977, Congress moved to at least partially resolve remaining questions by deleting the words "land use" from the Clean Air Act Amendments, while reaffirming the need for SIP's to contain measures to review and, where necessary, deny major new stationary sources. The Amendments also clarified federal/state authority over indirect source regulation, and added procedures for protecting clean air areas from significant deterioration. (1977 Amendments)

Revised State Implementation Plans must, therefore, contain new source review requirements and non-degradation provisions. They may contain indirect source and other land use control procedures.

Present regulations for pre-construction review of new stationary sources are discussed in the Emission Limits Section of this report, as are federal requirements for preventing significant deterioration. Because all of the South Coast Air Basin is a non-attainment area, the federal non-degradation requirements are important to this Basin's AQMP primarily because restrictions on locating coal-fired power plants near national parks and wilderness areas could impact efforts to reduce this Basin's reliance on locally generated electricity.

This section will examine other potential land use strategies, including indirect source review, general plan elements, zoning, building ordinances, growth controls and non-structural controls.

Indirect Source Review

Regulations requiring preconstruction review of new indirect sources of pollution were promulgated by EPA in 1973 in response to a court ruling (NRDC v. EPA, 475 F.2d 968 DC Cir (1973)) which required adequate provisions in state implementation plans to insure maintenance of primary standards following attainment. EPA determined that new source review provisions for major direct sources should be expanded to cover "complex" or "indirect" sources of air pollution. These are facilities which do not themselves emit pollutants, but which attract increased motor vehicle activity and may thereby cause a violation of an implementation plan's transportation control strategy or prevent or interfere with the attainment or maintenance of an ambient air quality standard. Examples of such sources are shopping centers, apartments, office buildings, parking garages, highways and airports, amusement parks, and sewer facilities.

Final guidelines for implementing such a program also required that comprehensive growth analyses be specifically required of the states in order to make the maintenance provisions of implementation plans fully acceptable. Reviews were required for three basic types of indirect sources: highways, airports and parking-related facilities.

However, on July 3, 1975, EPA indefinitely suspended requirements relating to parking-related facilities (40 CFR 52.22), following Congressional denial of EPA funds for any program which would limit or regulate parking facilities. In making the suspension, EPA reaffirmed the need for controls over the planning, siting and design of parking-related facilities, but stressed that these regulations were most effective when incorporated by state and local governments into their own planning, zoning and building permit processes.

The 1977 Amendments revise Section 110 (a) (2) (A) of the Clean Air Act to restrict the EPA Administrator from promulgating any indirect source review program as part of a State's Implementation Plan. However, he may both promulgate and enforce, through sanctions, indirect source review programs covering federally assisted or owned major indirect sources, highways, and airports. States may adopt indirect source programs as part of their SIP which will then also be enforced by the Administrator.

The Amendments further clarified the meaning of the term "indirect source review program" and severed transportation control measures from this review. (Section 108 (e) (5) (C,D)).

The term "indirect source" means a facility, building, structure, installation, real property, road or highway which attracts, or may attract, mobile sources of pollution. Such term includes parking lots, parking garages, and other facilities subject to any measure for management of parking supply (within the meaning of Section 110 (c) (2) (d) (ii)), including regula-

tion of existing off-street parking, but such term does not include new or existing on-street parking. Direct emissions sources of facilities at, within, or associated with any indirect source shall not be deemed indirect sources.

The term "indirect source review program" means the facility-by-facility preconstruction or premodification review of indirect sources of air pollution, including such measures as are necessary to assure, or assist in assuring, that a new or modified indirect source will not attract mobile sources of air pollution, the emissions from which would cause or contribute to air pollution concentrations:

"Exceeding any national primary ambient air quality standard for a mobile source-related air pollutant after the primary standard attainment date, or

"Preventing maintenance of any such standard after such date."

Although, as now defined, "indirect source" may refer to existing offstreet parking facilities, review procedures apply only to preconstruction modification of these facilities. Restrictions on the use of other existing facilities will be discussed in the Transportation Measures section which follows. States may develop their own review procedures containing authority to deny construction, set performance standards, require mitigation measures, etc.

These state-promulgated plans will then be subject to EPA enforcement. Direct emissions from any stationary source contained within an indirect source complex must be excluded from the review (and be covered by a separate review). Although there is no indirect source review rule now in force in this basin, indirect sources of pollution (e.g., employee vehicle miles travelled, are now reviewed as part of the total pollution load assessed under the existing New Source Review Rule (for direct sources) in the South Coast Basin.

DISTRICT AUTHORITY TO REGULATE INDIRECT SOURCES: The California Attorney General has ruled (vol. 56 Ops. Atty. Ge., 531 1973) that "In order to attain federal and state air quality standards, county, regional and bay area air pollution districts have the authority to regulate and prohibit construction of airports, highways, shopping centers, and other complex sources of air pollution which may not themselves generate pollutants, but may indirectly affect air quality through associated activities such as vehicular traffic". Cities and counties may develop their own review procedures through the environmental impact review process.

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Air Quality Elements in Local General Plans

There is, at present, no direct mechanism established by the state for relating local general plans to air quality, either within an individual jurisdiction or within an air basin. In the absence of a framework for evaluating air quality impacts of individual projects, each new development is evaluated for its contribution to regional air pollution and may be dismissed under current environmental impact reporting methods as having an "insignificant effect," even though the cumulative impact of these projects can be substantial. (ARB - LAND USE/TRANSPORTATION 1974)

Currently, the state requires cities and counties to prepare nine separate elements in their general plans (land use, circulation, housing, conservation, open space, seismic safety, noise, scenic highways, and safety). In addition, jurisdictions may include any other element, with a number of elements suggested by the state for possible inclusion. An air quality element is neither required nor suggested.

In 1972 the California Legislature directed the Air Resources Board to prepare a report on proposed guidelines for a mandatory air pollution control element in city and county general plans. The element would have contained the following components:

- comparison of existing air quality standards
- mapping of air pollutants generated by existing land uses
- mapping of projected emissions to be discharged by potential sources of air pollutants proposed by the general plan
- emissions performance standards for incorporation into the zoning ordinance
- criteria for estimating air pollutant emissions from proposed developments

The planning firm of Livingston-Blayney, under contract to ARB to prepare element guidelines, examined the desirability of including an air pollution control element and concluded that air quality management can be effectively integrated with land use and transportation planning only on an area-wide basis. They recommended against inclusion of a mandatory local air pollution control element and urged air quality assessment of local projects through the environmental impact report provisions of the California Environmental Quality Act. (LB Report to ARB, 1973)

City and county actions may have an impact on both the macro, or regionwide scale, and on a micro, or local, level. Because there is now neither a mandatory local air pollution control element nor a Basinwide air quality plan which can be applied at the local level, macro and micro air quality impacts are not uniformly assessed through the EIR process.

DISTRICT AUTHORITY TO REQUIRE AIR QUALITY ELEMENTS IN LOCAL PLANS: None. Plan elements are a municipal function, conferred both by the California Constitution and the State Legislature. The SCAQMD, a special district, has no authority to require local plan elements. It may comment on EIR's but decisions regarding mitigation measures required for local projects remain with local officials.

Zoning and Other Land Use Tools

Integration of land use functions with air quality strategies must be achieved in order to receive the emissions reductions mandated by the 1977 Clean Air Act Amendments. Among the tools available to local governments to implement these strategies are zoning, building ordinances, conditional use permits, performance standards, etc.

In general, cities and counties have been delegated sufficient authority (Santa Barbara/AQMP LEGAL Report) by the California Constitution and State Legislature to implement most of the commonly suggested procedures for land use/air quality integration.

These include:

1. Zoning. Use zoning involves assigning similar land uses to common land areas. Cluster zoning mixes a variety of land uses which are different but basically compatible. The advantage of the latter, from an air quality standpoint, would be the ability to reduce vehicle miles traveled (VMT) through siting decisions, and to encourage alternate means of travel, e.g., bicycling or walking. Special zones, such as open space zones, may also have an air quality impact through protecting receptors and controlling sprawl. (See non-structural controls).
2. Physical Form and Siting zoning considers height, bulk, density, parking, setbacks, landscaping, etc. This type of zoning permits flexibility in locating off-street parking and determining density, both of which can have air quality impact, particularly in planning a transportation system.
3. Conditional zoning. Allows evaluation of a use in relation to a specific site to determine the impact of air quality on or from the planned development. Among the forms available are overlay zones, floating zones, and planned unit developments. (Zoning approval is granted only if the development conforms to specified conditions.)
4. Permits. Conditional use permits are required for uses specified in the zoning ordinance itself. Among the uses which might be subject to such a requirement are schools, churches, hospitals, etc. This allows consideration of source/receptor issues.

5. Subdivision Controls. Subdivisions can be denied entirely when they are not consistent with general and specific plans, may cause substantial environmental damage through design or proposed improvements, or are likely to cause serious public health problems through contributions to such areas as increased air pollution.

EXISTING DISTRICT AUTHORITY TO ZONE OR SUB-DIVIDE. None. Zoning is a police power, conferred on local governments. The SCAQMD, a special district, does not have power to zone or subdivide lands.

Growth Management

The issue of relating growth management to land use planning has air quality implications because limitations on growth almost invariably lead to fewer emission sources. Growth strategies, such as that employed by the town of Ramapo, New York for controlling the extension of municipal services, could probably be extended to include air quality considerations. This concept considers air a resource which is limited in supply. Until such time as there are other new technologies which reduce emissions from existing sources, or life-style changes which limit the use of existing emission sources, an already polluted airshed may not be able to withstand additional emissions from new growth. Timing and sequencing devices could be employed to insure that new growth is permitted only to the extent that emissions from this growth will stay within the limits necessary to maintain ambient air quality standards.

New amendments to the Clean Air Act require that non-attainment areas achieve pollution reduction in annual increments until standards are attained in 1987. Therefore, to comply with this requirement any increased emissions must be offset by like reductions in existing emissions loads.

DISTRICT AUTHORITY TO REQUIRE GROWTH MANAGEMENT:
None directly. Growth management schemes, as exercised in Ramapo and in Petaluma, California, have been developed as part of the local police power authority conferred by the Consitution. This power could be extended to protect public health through protection of the air resource. The District does not have authority to mandate growth control strategies for local government. It could, however, extend its permit power to cover indirect sources, and require emission offsets of new development similar to those now required for major stationary sources.

Non-Structural Air Pollution Controls

Traditional control of emissions has relied on regulating the amount of pollutants emitted from specific point sources, e.g., industrial stacks or automobile tailpipes. In some cases, air quality improvements can be achieved through the use of open space to trap or filter pollutants. (EPA: Open Space as an Air Resource Management Measure). Soil, and particularly vegetation, can absorb or filter particulates and, less effectively, carbon monoxide and other gases.

Buffers can absorb some of the pollutants transported to the edge of a highway or around certain industrial facilities. They may also function to lessen the impact of localized concentrations of pollution, if designed in a manner to protect high activity uses in a recreation complex.

Efficiency of these buffers is dependent upon the type of plant material utilized (it must be pollution-resistant), and upon the design of the buffer. EPA has prepared guidelines to aid in developing these greenbelts, dependent upon the intended function.

Under present California law, open space elements of general plans may include unimproved land required for the protection or enhancement of air quality.

DISTRICT AUTHORITY TO REQUIRE NON-STRUCTURAL AIR POLLUTION CONTROLS. None directly. However, such requirements could be considered by the District as measures to offset increased emissions from new direct sources and, if such a rule is adopted, indirect sources.

TRANSPORTATION MEASURES

These are measures designed to maintain the efficiency of pollution-control devices on in-use vehicles, improve traffic flow to minimize emissions losses due to idling, or serve as incentives or disincentives to automobile usage. Transportation control measures place restrictions on the public's use of private automobiles. Although Californians have supported the imposition of technological controls on new automobiles, motor-cycles and trucks, they have been considerably less enthusiastic when it comes to retrofitting existing sources. From the early 1960's when Southern Californians rejected adding crankcase devices to in-use vehicles to the 1970's when legislation to require similar retrofitting of NO_x devices on automobiles was rejected, success of such programs has been limited. However, residents have been willing to add new controls at the time of resale.

The public has also objected to conversion of existing freeway lanes to bus and carpool use, and the addition of a new freeway lane for this purpose was also opposed despite the successful operation of the San Bernardino Busway. Nonetheless, the issue of how or whether the public uses private automobiles for transportation continues to be of major significance in air quality management planning.

As with indirect source review, the form Congress actually intended transportation control to take has been a subject of wide-spread debate since the passage of the 1970 Amendments. EPA's promulgated Transportation Control Plan for California led to subsequent suspension of parking management issues from the plan (40 FR 29714, 1975). Attempts by EPA to require the State of California to enforce remaining portions of the transportation control plan (eventually limited to application of state-approved inspection maintenance requirements) were taken all the way to the U.S. Supreme Court (EPA v. Brown, 1977), (45 U.S.L.W. 4445) without resolution.

The 1977 Amendments have clarified the form by which Congress expects states to control in-use transportation. State Implementation Plans are required to include emission limitations, schedules, time-tables, and such other measures as may be necessary to insure attainment and maintenance of standards, including but not limited to transportation controls. (Sec.110 (a) (2) (B)).

In summary, the suggested controls, for which EPA will later issue guidelines, fall into four general categories: measures to improve the efficiency of existing air pollution control equipment on in-use vehicles; measures to minimize emissions generated during use; incentives to encourage alternative means of transportation, and disincentives -- measures to discourage the use of automobiles.

Measures to improve the efficiency of pollution control equipment on in-use vehicles. Such programs concentrate on regular inspection and maintenance of existing pollution control equipment to insure that the equipment continues to function as originally designed. Under the Clean Air Act Amendments, states which determine they will be unable to comply with federal standards for photochemical oxidants and carbon monoxide by 1982 are required to implement a specific schedule for a vehicle emission control inspection and maintenance program. (Sec. 172 (b) (11) (B)). The Air Resources Board is authorized (Sec. 9889.51 of the Business and Profession Code) to establish a mandatory periodic emission inspection program of all motor vehicles registered in the South Coast Air Basin to insure that required pollution control devices are functioning as designed.

DISTRICT AUTHORITY TO CONDUCT AN INSPECTION-MAINTENANCE PROGRAM. Limited. Sec. 40446 of the Health and Safety Code gives the District authority to assist in the administration and enforcement of any state statute establishing an inspection program for motor vehicles, if so requested by the Air Resources Board.

Measures to minimize emissions generated during vehicle operations.

These are measures designed to minimize emissions associated with automobile usage. Emissions may be generated by auxiliary processes such as fueling and through operating procedures such as prolonged idling in heavy traffic or delayed starts in cold weather.

The 1977 Clean Air Act Amendments authorize the EPA Administrator to address some of these issues by preparing guidelines for:

- o Programs to control vapor emissions from fuel transfer and storage operations and operations using solvents;
- o Programs of staggered hours of work;
- o Programs to control extended idling of vehicles;
- o Programs to reduce emissions by improvements in traffic flow;
- o Programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations;
- o Programs for retrofit of emission devices or controls on vehicle engines, other than light duty vehicles, not subject to regulations under section 202 of title II of this Act; and
- o Programs to reduce motor vehicle emissions which are caused by extreme cold start conditions.

DISTRICT AUTHORITY TO CONTROL VEHICULAR OPERATIONS.
Limited. The District may adopt rules and regulations to limit the operation of motor vehicles during an air pollution emergency, as defined by the ARB's Air Pollution Emergency Contingency Plan. (Sec. 40445 H&S). The District Board may request the ARB to investigate the emission reduction capabilities of any motor vehicle pollution control devices not previously tested by the ARB. (Sec. 40447).

The District has authority to control vapor emissions from storage and transfer.

Incentives for alternate transportation.

These are programs designed to make alternative forms of transportation more attractive to the motorist and encourage the use of alternate modes of transit. Examples include:

- o Programs for improved public transit;
- o Programs to establish exclusive bus and carpool lanes and areawide carpool programs;
- o Programs to limit portions of road surfaces or certain sections of metropolitan areas to the use of common carriers, both as to time and place;
- o Programs to reduce emissions by improvements involving new transportation policies and transportation facilities or major changes in existing facilities;
- o Programs to construct new parking facilities and operate existing parking facilities for the purpose of park and ride lots and fringe area parking;
- o Provisions for employer participation in programs to encourage carpooling, vanpooling, mass transit, bicycling, and walking;
- o Programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas.

DISTRICT AUTHORITY TO PROVIDE TRANSIT INCENTIVES. Limited. Responsibility for constructing or operating transit facilities, including roads and bicycle paths, is dispersed among general purpose governments, the Southern California Rapid Transit District and other transit operators, and the California Department of Transportation. The District may provide incentives to vanpooling, carpooling, etc., through modifications to its permit system which allows credit for emission reduction as offsets to stack emissions.

Disincentives to the use of private automobiles.

These are programs which make it less convenient and/or more costly to use a private automobile than alternative modes of transit. Disincentives are often combined with incentive programs. Examples include:

- o Programs to control on-street parking;
- o Programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;
- o Programs to institute road user charges, tolls or differential rates to discourage single occupancy automobile trips.

DISTRICT AUTHORITY TO PROVIDE DISINCENTIVES TO AUTOMOBILE USE. None, at least where structural or operational changes are required. Streets and highways are regulated by local and state governments. There are no special districts with authority to charge user tolls on roads or bridges in the South Coast Air Basin.

EMISSION LIMITS

In enacting the Clean Air Act of 1970 Congress recognized that, even with the application of the best available control technology, the growth of new sources of controlled emissions would eventually result in increasing levels of pollution. Not only did Congress require the establishment of standards to protect public health, it clearly indicated that these standards should become more than abstract goals. States were required to develop procedures for reviewing major sources of new pollution, and to develop regulations for preventing construction where these new sources would interfere with the attainment or maintenance of ambient air standards. (Section 110).

Since the passage of the 1970 amendments, there has been increasing attention on the part of EPA, and other air planners as well, to translating this mandate into procedures which will allow continued growth and development, while still achieving the Clean Air Act's goals.

Federal and State ambient air standards are basin-wide in application. Although the Clean Air Act of 1970 did not preclude site-specific evaluations of new projects, the state-of-the-art in determining the impact of individual projects has until now been inadequate to do much more than simply evaluate new projects in terms of total tonnage. Where air basins already exceed standards, any increased pollution will "interfere with the attainment or maintenance" of standards. EPA has never delegated final approval of major new sources to California authorities, and has continued to review new source permits in this Basin. EPA approved the addition of desulfurization equipment at Standard Oil's El Segundo refinery on the grounds that additional low sulfur oil could improve air quality in the Basin (this was not a pollutant-for-pollutant trade off), but rejected the application of Pacific Lighting Company to build new oil storage tanks in the Los Angeles Harbor area.

Offset & Non Degradation Policies

In December 1976, EPA published (41 FR 55558) revised procedures for evaluating major new sources of pollution. Called the "offset" or "trade-off" policy, the new procedure allows either the applicant, or a jurisdiction where the project is located, to offset any increased emissions which would result from the project after application of advanced control technology by reducing pollution from existing sources within the area. These proposed reductions must be accompanied by enforceable contracts or regulations, and must result in a net improvement in air quality in the Basin. One pollutant must be traded only for a greater amount of the same pollutant.

Section 172 (b) (6) and Section 173 of the Clean Air Act Amendments of 1977 formalized these procedures into statute. Procedures are still not site-specific, referring only to "existing sources in the region." The Clean Air Act Amendments of 1977 now require that in areas which have not attained federal standards, the offset policy must be in effect until revised State Implementation Plans (SIP's) for those areas are approved by 1979. States are permitted to apply for a waiver to this requirement, providing they can show that emissions from a new source will be offset through an enforceable permit program which achieves equivalent reductions from existing sources. The EPA Administrator can revoke the waiver if he determines the reduction is less than that which would have been required in an offset program. Offset measures are limited to those not already included in a state's current implementation plan. After 1979, non-attainment area SIP's must show incremental reductions in existing pollution until standards are met (either by 1982 or 1987 for oxidants and carbon monoxide). New emissions must be compensated for in the SIP by equivalent reductions in existing pollution.

Section 165 (e) (3) (B) of the Amendments, referring to Pre-construction Requirements to prevent Significant Deterioration, contains procedures which more fully refine the siting process. An analysis is required for not only ambient air quality in the vicinity of the project, but also for climate, meteorology, terrain, soils and vegetation. The section concludes, "Any model or models designated under such regulations may be adjusted upon a determination, after notice and opportunity for public hearing, by the Administrator that such adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from a source applying for a permit required under this part."

Because the South Coast Air Basin is a non-attainment area, it is not generally subject to the "Non-Significant Deterioration" provisions.* However, the requirements of both this section of the 1977 Amendments, and the section referring to siting of new sources which may interfere with the attainment or maintenance of air quality in a neighboring state, could impact the ability

of this Basin to export its energy facilities. Although national monuments (e.g., Joshua Tree and Death Valley) are not now included in Class I designations, the Act gives the federal government the authority to reclassify these areas if visibility is a significant feature of the preserves.

DISTRICT AUTHORITY TO REQUIRE OFFSETS FOR NEW POLLUTION SOURCES. Rule 213 gives the SCAQMD Air Pollution Control Officer the authority to deny a permit to construct or modify any new stationary source which emits more than 250 pounds per day (without controls) of any pollutant except carbon monoxide (the limit is 2500 pounds for CO) unless the new source is constructed using best available control technology, and will not interfere with the attainment or maintenance of any state or national ambient air quality standard. Where the project will cause demonstrable air quality benefits within the air basin (providing that the Air Resources Board and Environmental Protection Agency concur), the project may be approved.

- * Federal non-deterioration areas include national parks and national wilderness areas over 5,000 acres. The 1977 Clean Air Act Amendments establish limits on the allowable increase of particulates and sulfur dioxide permitted in such areas. Non-attainment areas must reduce emissions. It is technically possible for a park or wilderness area to fall within both federal designations.

Emissions Allocation Procedures

A method for allocating basinwide emissions to the subcounty level in urban non-attainment areas has not been mandated by the Congress. However, EPA Regulations (40 CFC 51.45) require that each Air Quality Maintenance Plan inventory existing emissions on a sub-county level.

Emission quota strategies provide the methodology for relating emission production to air quality standards. Basic prerequisites to the implementation of any emission quota strategy are: (1) establishment of a method for translating existing and proposed land use activities into equivalent pollutant emissions; (2) determination of the maximum amount of pollutant emissions allowed by air quality standards; and (3) constraints on new development which will keep pollutant levels within these limits.

There remain technical difficulties in meeting these prerequisites--difficulties which have to be overcome in order to resolve questions regarding their implementation and legal status. The following emission allocation schemes differ largely in their designation of who makes the emission allocation and whether the allocation is given to a jurisdiction, a uniform geographical grid or to an individual property.

Within already urbanized areas the inflexibility of existing infrastructure such as streets and sewers may serve as a constraint on the number of options available in assigning emissions. For this reason, emission allocation procedures are usually considered as maintenance, or long term, air planning procedures. However, the procedures do have applicability as attainment measures, primarily in urbanizing areas.

Emission Allocation Planning (EAP) (allocations to political jurisdictions)

This emission limitation technique would place lids on the amount of pollutants which could be emitted within defined political boundaries, including cities and counties. The procedure was proposed in 1973 by the planning firm of Livingston & Blayney under contract to the Air Resources Board. It would have placed a ceiling on total emissions within an air basin, and sub-allocated these emissions to individual jurisdictions within the basin. In theory, the ceiling could be set at any level--existing emissions, projected emissions under present planning, etc. However, to meet state and federal requirements, the quota would have to be set at the level necessary to attain ambient air standards. Each jurisdiction could meet its assigned quota by whatever method it chose; for example, through stationary source controls, zoning revisions, transportation controls, etc. The procedure is more readily adaptable to developing areas which are at or near the limit having an adverse impact on health than it is on industrialized areas already far in excess of allowable emissions.

To avoid economic disruption, variance procedures can be developed which allow already oversubscribed areas time to decrease existing emissions through gradual conversion to cleaner industries or through stricter controls on other sources of pollution. Where so-called "dirty" industry serves the entire region but is concentrated in one location, some form of "pollution sharing" mechanism may be necessary so that all parts of the region reduce emissions in the amount needed to compensate for the industrial zone emissions. This variance procedure recognizes that some industries are site-specific, dependent on port or rail facilities, or that the existing capital investment precludes any locational changes within the planning time frame.

Because the allocation of a quota does not in itself guarantee compliance, regulations would have to be developed for assigning and implementing emissions ceilings. The aforementioned Livingston-Blayney report would have given authority for such allocations to Basinwide Air Pollution Coordinating Councils. The Bay Area APCD would have had this authority; presumably, the South Coast District, had it then existed, would also have been given authority in the legislation since it replaced the Basinwide Council. Legislation to develop this authority was never enacted, partly because of concerns that emissions allocations should be based on comprehensive plan requirements rather than on air quality considerations alone. However, as indicated in Part II of this report, state and federal planning regulations now require air plans to be consistent with other regional plans.

There was also concern in 1973 over the adequacy of available models to guide allocations for anything but sulfur dioxide and

particulates. Modeling has now improved, although photochemical oxidant, the major pollutant in this Basin, still is more difficult to model and allocate than pollutants which are localized in nature. In a Legal Opinion dated July 14, 1977, Kingsley Macomber, Chief Counsel to the Air Resources Board, responded to the issue of the validity of air quality modeling for developing control strategies: "The federal cases dealing with this issue have unanimously upheld the validity of air models as long as use of the model appears to have adequate scientific basis in state-of-the-art terms, makes use of sufficient amount of raw data in its application, and is applied so that salient local topographical and meteorological characteristics are accounted for".

Although the Emissions Allocation Planning procedure appears to offer fewer legal problems than similar proposals, care must be taken in developing a zoning and planning framework which does not become exclusionary for last-come developers, denying them a right which owners of like-land enjoyed except for the exhaustion of the quota. Basing the allocation on protection of public health may give more legal standing than growth limits based on aesthetic or financial grounds. (Brail).

It is not clear whether an emissions allocation procedure could be implemented in California at this time. The previously proposed authority would have been applied statewide. However, some observers (Brail) believe there is a distinction between a legislative mandate and a planning procedure which can be modified to suit local conditions. Even without a legislative mandate, this author contends the emission allocation approach, or some derivative thereof, could serve as a basis for air quality maintenance planning.

To do so, a review procedure could be established through a refinement of the environmental impact assessment process by which emissions projected directly or indirectly from proposed projects would be accounted for and reviewed against the emissions quota for the sub-area. However, legislative revisions would be required in CEQA--no environmental impact report is now required if the project is ministerial (as for example, if the site does not require a zone change or general plan amendment or does not fall within the Coastal zone.)

DISTRICT AUTHORITY TO ALLOCATE EMISSIONS TO JURISDICTIONS. Unclear. District will be required under Federal regulations to have allocated emissions inventories to subcounty areas in the completed AQMP. The District has authority to deny permits to construct new sources emitting more than 25 pounds per hour under Rule 213. Rule 213 could be revised to extend to smaller sources. The District could adopt an indirect source review procedure. The District has authority to review and comment on all environmental impact reports and statements within the Basin, although, at present, it has no permit power over most of these projects.

Floating Zone Emission Quotas (allocation to uniform grids)

The concept is a variation of the above EAP and refers to placing limits on the amount of pollutants which can be generated within an area of predetermined size, drawn about any specific location within a metropolitan area. This concept was developed for use in Jefferson County, Kentucky, and places quantity limitations on uniform grids throughout a region. If, for example, an annual 2,000 pound per square mile limit on particulates was in effect, a circle equalling one square mile in acre would be drawn on a map around a proposed factory site. Existing emissions in the area would be calculated. If total emissions, including the proposed facility, exceeded the limit, the permit would be denied.

The advantage of this concept is that no advance detailed designation of emission quotas is needed. Any decision to deny approval of a new stationary source would be deferred until such time as the emission quota is exceeded for all available sites. So long as a denied site can be utilized for a lower polluting facility, legal problems would be less likely to arise. Applicants would tend to avoid sites at which disapproval is likely. The disadvantage to the system is that it relies on adequate spacing between sources to avoid oversaturation, thus contributing to sprawl and possible diseconomies of scale if industries cannot be concentrated to take advantage of existing distribution facilities.

DISTRICT AUTHORITY TO ALLOCATE EMISSIONS BY GRIDS. As above, unclear. However, since the system is not zoning but rather a method for calculating emissions and providing a quantitative system for approval or denial, it is not a direct intrusion into local land use planning and zoning authority. The District has no direct authority over local land use decisions. (Sec. 40414 H&S Code).

District Emission Quotas (allocations to local planning districts)

This method limits the amount of pollutants to be emitted during some stated time period (e.g., one year) from a planning district within a jurisdiction. Once the emissions limitation for a particular district (say, 100 acres) had been established, new polluting sources would be allowed only until the ceiling had been reached. Different kinds of districts, e.g., residential, commercial and industrial, could be permitted varying amounts of emissions.

The approach could lead to individual hardships and legal complexities because decisions to allocate permits for new sources would presumably be made on a first-come basis up to the quota. If a proposed facility utilizes 90% of the district's emissions within one small area, it could preclude development of nearly all remaining land within the district. An agency may find it difficult to deny a heavy polluter the right to construct in a portion of a zone where limits have not yet been exceeded because the permit granting agency would have no assurance that available space would later be utilized by more numerous, less polluting facilities. Therefore, the control agency or jurisdiction may be forced to distribute available emissions on a first-come basis.

DISTRICT AUTHORITY TO ISSUE EMISSION QUOTAS. Unclear.
After initial allocation of emissions to a jurisdiction, zone allocations should be determined at the local level, with review authority needed only to insure that total available emissions are never exceeded.

Transfer of Emission Rights

This methodology allows for the transfer of unused emission "rights" between neighboring parcels or neighboring jurisdictions. It is similar to the "pollution rights" methodology discussed in the Pricing Systems section except that there need not be a monetary value attached to the right. Presentably, neighboring jurisdictions could trade one type of pollutant for another as long as each stayed within its overall quota or they could, with the approval of the control agency, modify quotas so as to allow slightly more growth in one area than in the other so long as the subregional allocation remained the same.

In order to insure that the new "mix" did not have adverse impacts on the region, a control agency would have to review and approve, after analysis, any revisions in initial allocations. The transfer procedure is similar to that established in the federal Offset Policy discussed at the beginning of this section in that a new polluter can "buy up" pollution rights through removal of an even greater amount of existing pollution.

The offset policy also mitigates one of the most frequently raised objections to the emission "rights" transfer issue--namely, that there is a fixed "right" to pollute and that this right is bestowed on polluters through governmental establishment of a quota. By making explicit that there are to be ever diminishing ceilings, government is not precluded from adopting new regulations which serve to reduce the amount of pollution "rights" available. Otherwise, reducing the number of available rights could result in a "taking" of property.

DISTRICT AUTHORITY TO ISSUE OR TRADE EMISSION RIGHTS.
No authority for establishing a "market", but District presently reviews emission trade-offs for major sources under Rule 213 and determines their adequacy.

Emission Density Zoning (allocation to individual land parcels)

Generally, the term EDZ is applied to an emission quota assigned to a fixed unit of land in single ownership. It is, in many ways, similar to performance standards. Limits are expressed in terms of mass of pollutant per time period per lot area. The maximum legal rate, or emission density limit, would vary with the location and planned use of the land parcel. As long as a proposed facility would not exceed the quota assigned to that site, construction would be permitted. In some cases, emission limits would be set at a level which restricted the allowable types of industry and would thus be more precise zoning than standard light and heavy manufacturing zones normally accommodate.

New sources of pollution could comply with the EDZ simply by purchasing the amount of land necessary to accommodate their anticipated pollutant load. However, this approach aggravates sprawl and, since the amount of pollution produced by a given type of industry is not necessarily related to the ability of the industry to buy up land, it could be very restrictive in its application. Cook County in Illinois, experimenting with a variation of this approach, abandoned the technique because of its bias in favor of large sources and returned to restrictions based on actual weight of emissions. (Mandelker)

As with other emission quota strategies, it might be necessary to grant variances, particularly in the initial phases of such a program or when transportation and land use plans are changed. Unplanned closing of major sources or the installation of new, advanced control technology could create circumstances by which major changes in emission limitations are needed. If these occur regionwide, a total reallocation may be necessary. If applicable only on a small scale, variances could be the most practicable method for making necessary reallocations.

DISTRICT AUTHORITY TO ZONE, BASED ON EMISSION None.
Because zoning is a municipal function, the District would not be involved in individual lot allocations. It would, however, as with the other proposals, have to make the initial allocation and would probably be the agency best suited to creating the needed Variance Board.

FINDINGS

The South Coast Air Quality Management District possesses authority in each of the five control areas discussed in the preceding section, although all authority may not yet have been fully assumed. The final AQMP may contain recommendations for additional regulations within existing authority. This report is limited to the requirements of Sec. 40468 of the Health and Safety Code which mandate the Association to submit by December 31, 1977 recommendations for any additional authority which the Legislature may need to delegate to the District in order for it to effectively implement the AQMP.

The District's existing and needed authorities are summarized as follows:

Regulation

Existing Authority. The District has authority for control of air pollution from all sources other than vehicular sources.

Possible Needed Authority. Although the State has preempted control of motor vehicles, including motorcycles, regulations have not yet been extended to off-road vehicles, certain classes of heavy duty vehicles, railroad engines and, in some cases, ships. Because of the severity of the air pollution problem in the South Coast Air Basin, direct authority over these emission sources in this Basin could be delegated to the District, if statewide implementation is not needed or desired.

Pricing Systems

Existing Authority. The District has authority to adopt a fee schedule for the issuance of permits to cover the cost of planning, inspection, and monitoring. The fees may be varied according to the quantity of emissions, and the effect of these emissions on the ambient air quality.

Possibly Needed Authority. The District would need additional authority to tax, to award payments or, make direct loans.

Controls on Land Use.

Existing Authority. The District has authority for pre-construction review of new direct sources, with authority to deny construction. According to the Attorney General of

California, this authority could be extended to indirect sources of pollution. In making these pre-construction reviews the District may suggest and include in off-set requirements certain non-structural mitigation measures.

Possibly Needed Authority. The District has no expressed authority to require air quality considerations in local plans, nor to require implementation techniques which would mitigate adverse air impacts. New authority would be needed if the District were to implement AQMP strategies in these areas.

Controls on Transportation Systems.

Existing Authority. The District has authority to impose transportation controls during emergency episodes, as defined in District rules. It may assist in inspection-maintenance programs upon the request of the ARB. Transportation measures, such as van-pooling, may be included as off-sets in District permit requirements.

Possibly Needed Authority. Direct delegation to the District of authority to initiate inspection-maintenance programs may be needed.

Emission Allocations.

Existing Authority. The District has authority to deny permits to construct any source which would interfere with the attainment or maintenance of ambient air standards. Because total Basin emissions already exceed the limit needed to achieve these standards, an allocation has in effect already been made to the Basin. AQMP requirements give the District authority to develop additional measures to meet this emission limitation.

Possibly Needed Authority. The District would need additional authority to allocate these emissions to sub-county areas or individual jurisdictions, and to manage such an allocation program.

PART II
EXISTING AUTHORITY
FOR
AIR POLLUTION PLANNING/
IMPLEMENTATION

EXISTING AUTHORITY FOR AIR POLLUTION PLANNING/IMPLEMENTATION

In order to determine whether additional authority will be needed by the South Coast Air Quality Management District to implement the adopted Air Quality Management Plan, a review of existing authority for air quality planning and plan implementation is needed. As the following brief summary of existing state and federal statutes indicates, there is an increasing effort by state and federal legislators to make the work of the many agencies having authority over air pollution control consistent with other regional and local planning efforts.

AIR QUALITY PLANNING

Federal: The basic authority for the nationwide control of air pollution is contained in the Clean Air Act, as amended (24 U.S.C. 1857 et seq). Requirements of the Act which most directly impact air quality planning in the South Coast Basin include:

- o Establishment of air quality control regions in each state (Sec. 107).
- o State identification of areas which have not attained standards or where no significant deterioration of present air quality will be permitted. (Sec. 107)
- o Environmental Protection Agency establishment of air quality standards, including primary (to protect public health) and secondary (to protect against material damage). (Sec. 109) States may only establish stricter, not less stringent, standards.
- o Submittal by states of implementation plans for achieving these standards in each air quality control region (Sec. 110).

If states fail to submit plans for attaining these standards through establishment of emissions limitations, transportation controls, preconstruction review of direct sources of air pollution, etc., the EPA Administrator is authorized to promulgate plans which will attain these standards. The 1977 Amendments establish 1982 as the deadline by which standards are to be achieved -- present non-attainment areas may have this deadline extended to 1987 for oxidant and carbon monoxide, providing progress towards attainment is demonstrated through implementation of all reasonably available measures (Sec. 172).

State: Authority for controlling air pollution in California is contained in the California Health and Safety Code (Sec. 39000 et seq.). State control over air planning in this Basin is as follows:

- o The Air Resources Board is designated as the air pollution control agency for all purposes set forth in federal law (Sec. 39602).

- o The Board shall divide the state into air basins, based upon similar meteorological and geographic conditions and consideration for political boundary lines whenever practicable (Sec. 39606 (a)).
- o The Board shall adopt ambient air quality standards for each air basin in consideration of the public health, safety and welfare, including, but not limited to, health, illness, irritation to the senses, aesthetic value, interference with visibility and effects on the economy. These standards may vary from one basin to another (Sec. 39606 (b)).
- o If, after a public hearing, the state board finds that a basinwide air pollution control plan will not achieve and maintain the state's ambient air quality standards, the state board shall establish a basinwide air pollution control plan for the air basin that will fulfill these requirements. (Sec. 41503 and, specifically for the South Coast Air Basin, Sec. 49465).

Regional: Air pollution control authority for the South Coast Air Basin is contained in the Lewis Air Quality Management Act (California Health and Safety Code, Sec. 40400 et seq.) Air Planning requirements, consistent with federal and state law.

- o The South Coast Air Quality Management District shall adopt a plan by January 31, 1979 to achieve and maintain state ambient air quality standards for the South Coast Air Basin (Sec. 40460 (a)).
- o Upon approval by the state Board, the plan shall be the implementation and air quality maintenance plan of the South Coast District. (Sec. 40460 (c)).
- o The plan shall contain deadlines for compliance with state ambient air quality standards at the earliest possible date. If the plan does not result in the achievement of a state ambient air quality standard by January 1, 1980, the plan shall contain the compliance standard for achieving the standard at the earliest date achievable by application of all reasonable and available control measures and technologies. (Sec. 40462)
- o The Southern California Association of Governments shall prepare guidelines for the preparation of plan elements relating to transportation, land use and energy and related
- o Subregional planning agencies shall prepare preliminary plans for the subregion under their jurisdiction which shall be submitted to SCAG for incorporation into its regional plan. (Sec. 40470)
- o The regional plan shall be submitted to the District for inclusion in the AQMP. (Sec. 40471)

- o Formal review of the plan shall be made every two years. The same procedures used in preparing the plan shall be utilized in the formal review. (Sec. 40463)

AIR PLANNING IMPLEMENTATION

Air pollution control strategies are discussed in Part I of this Report. Direct control over emissions is as follows:

Federal: The Clean Air Act (42 U.S.C. 1857 et seq.) authorizes:

- o New source standards of performance. (Sec. 111) The environmental Protection Agency is authorized to set performance standards for major new sources of pollution which are based on the best technological or operational system available for the source. These standards apply nationwide. States may adopt stricter limitations (Sec. 116). However, to insure that EPA continues to require new technology as it becomes available, states may petition the Administrator to include additional categories of sources in standard setting, set stricter standards, and require new technology as it becomes available.
- o Mobile emission standards. The Environmental Protection Agency is authorized to establish emission standards for new motor vehicles (Sec. 202) California is exempted from these requirements (Sec. 209) and permitted to retain higher standards. Other non-attainment states may petition for authority to impose California emission standards.
- o Aircraft emissions. The Environmental Protection Agency, in conjunction with the Department of Transportation, establishes aircraft emission standards (Sec. 231).
- o Hazardous pollutant emission standards. The Environmental Protection Agency is authorized to establish emission standards for pollutants which may cause serious health effects but for which no national ambient air standards exists. States may adopt stricter limitations (Sec. 116).

State:

- o The Air Resources Board may adopt motor vehicle emission standards (Sec. 43014, California Health and Safety Code)
- o The Air Resources Board shall adopt and implement emission standards for used motor vehicles (Sec. 43600)
- o No vehicle may be sold in California that does not meet emission standards adopted by the Air Resources Board (Sec. 43200).

- o The Air Resources Board may adopt emission standards for motorcycles (Sec. 43107)
- o The Air Resources Board shall determine days when agricultural burning shall be prohibited in each basin (Sec. 41850)
- o The Air Resources Board shall set restrictions on open burning (Sec. 41800)
- o The Air Resources Board shall regulate fuel and fuel tanks (Sec. 43830 et seq.)
- o The Air Resources Board shall regulate statewide sandblasting operations (Sec. 41094)

District:

- o Except for the control of vehicular sources and those areas preempted by the state (e.g. restrictions on open burning and on sandblasting), local and regional authorities may establish stricter standards for nonvehicular sources than those set by law or the state board (Sec. 39002 and 41508, California Health and Safety Code)

Local:

- o Except as preempted by state (see above) any city or county within the South Coast Air Basin may adopt any ordinance with respect to air pollution control which is stricter than the rules of the District and not in conflict therewith. The District Board shall enforce such ordinances and shall make necessary personnel available to any such city or county for enforcement purposes (Sec. 40449, California Health and Safety Code)

TRANSPORTATION PLANNING AND IMPLEMENTATION

The distinction between air quality planning and transportation planning is narrowing, due to federal requirements contained in both the Clean Air Act Amendments of 1977 and the Federal-Aid Highway Act.

Responsibilities in urban areas for transportation planning and implementation are, as follows:

Federal:

- o The Secretary of Transportation shall cooperate with the states in developing long range plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation (49 U.S.C. 1602 Sec. 3 (a) (2))
- o The Secretary of Transportation shall develop and promulgate guidelines to assure that highways constructed pursuant to the Federal-Aid Highway Act are consistent with any approved plan for the implementation of any ambient air quality standard (23 U.S.C. Sec. 109 (j))
- o The Administrator of EPA, after consultation with the Secretary of Transportation, shall prepare and make available to air and transportation planning agencies information on transportation control measures (Sec. 108, Clean Air Act)
- o Implementation plans for non-attainment areas shall be prepared by an organization of local elected officials. Where feasible, such organization shall be the metropolitan planning organization designed to conduct comprehensive transportation planning for the area or the organization responsible for air quality maintenance planning process. (Sec. 174)
- o Air planning shall be coordinated with transportation planning required by 23 U.S.C. Sec. 134. (Sec. 174)
- o The EPA Administrator shall make grants for such planning to any organization of local elected officials with transportation and/or air quality maintenance planning responsibilities recognized by the state. (Sec. 174)

State: *

- o The California Department of Transportation shall prepare the California Transportation Plan directed at the achievement of a coordinated and balanced transportation system for the state, including but not limited to, mass transportation, highway, maritime, aviation and railroad facilities and services consistent with the state's social, economic and environmental needs and goals. (California Government Code Sec. 14040)

- o The State Transportation Plan shall include regional transportation plans prepared by regional transportation planning agencies. The Department may resolve inconsistencies among regional plans and add matters of statewide inter-regional interest where omitted. (California Government Code 14040.2)
- o The California Department of Transportation shall establish recommended minimum design criteria for bikeways. (S & H Code 2374)
- o The Department of Transportation shall have control of all state highways. (S & H Code Sec. 90)

Regional:*

- o A regional transportation plan shall include, inter alia, the general transportation system of the region, including land, water and air transportation. (Government Code 64081)
- o A regional transportation plan shall be based on many studies, including air and water quality criteria (Government Code 65081.5)
- o The regional transportation plan for this region shall be prepared by the Southern California Association of Governments. (Publ. Util. Code 130301)

City/County:

- o A short range transportation plan for the region shall be prepared by County Transportation Commissions (Pub. Util. Code Sec. 130303) (in Los Angeles, Orange, Riverside and San Bernardino Counties only).
- o The Los Angeles County Commission shall designate the SCRTD and OCTD as transit guideway operators (Pub. Util. Sec. 130254)
- o County boards of supervisors may enact and enforce ordinances for the construction, improvement or maintenance of county highways (S & H Code 942)
- o The legislative body of any city shall have full power and authority for the laying out or maintenance of public streets and walkways (S & H Code 4090)

FEDERAL PLAN COORDINATION

Federal Planning

All EPA administered programs, including regulations for preparing AQMP's (40 CFR 51.58) require coordination with other federal planning efforts. For example, guidelines for the 208 Waste Management Planning Program (40 CFR 130.34) require state water quality management plans to be coordinated with:

state and local land use and development programs activities of applicable federal resource programs:

- the Solid Waste Disposal Act, as amended (PL 91-512)
- the Safe Drinking Water Act (PL 93-523)
- the Clean Air Act, as amended (PL 91-604)
- the Coastal Zone Management Act (PL 92-583)
- the Watershed Protection and Flood Protection Act (PL 83-566)
- the Land and Water Conservation Fund Act, as amended (PL 88-578)
- the Rural Development Act of 1972 (PL 92-419)
- the National Historic Preservation Act (PL 89-665)
- the Fish Restoration Act (PL 81-681) and the Federal Aid in Wildlife Restoration Act (PL 75-415)
- the Endangered Species Act (PL 93-205)
- Wastewater Management Urban Studies Programs administered by the U.S. Army Corps of Engineers (PL 685, 1938; PL 93-366 1913)
- Transportation Planning administered by the Department of Transportation (PL 87-866, PL 93-366, PL 93-503)
- the Housing and Community Development Act of 1974 (PL 93-383)
- Other Federally assisted planning and management programs

These enumerated programs, as well as the above "other federally" assisted programs" may have similar requirements, for examples, recipients of Section 701 funds from the Department of Housing and Urban Development must carry out an ongoing comprehensive planning process, including the development of a housing element and a land use element. Consistency of these elements with federally mandated (air) State Implementation Plans is required (24 CFR 600).

Determination of consistency between federal plans may be made through two federally established processes, A-95 review and Environmental Impact Statements (EIS's), although both processes were established to meet additional needs.

A-95 Review

Title IV of the Intergovernmental Cooperation Act of 1968 requires the Office of Management and Budget (or such other agency as may be designated by the President) to prescribe such rules and regulations as may be appropriate to resolve conflicts and insure:

- o properly planned communities, including balanced transportation systems, appropriate land uses, wise development and conservation of natural resources.
- o consideration of all viewpoints -- national, regional, state and local -- in planning federal or federally assisted programs.
- o federal planning consistent with the objectives of state, regional and local comprehensive planning.
- o consultation be federal agencies administering a development assistance program with other significantly affected federal departments and agencies.
- o coordination of federal systematic planning for individual programs with comprehensive local and areawide development planning.

The Demonstration Cities and Metropolitan Development Act of 1966 (52 U.S.C. 3334) requires that all applications for federal loans or grants to assist in carrying out an open space land project or for the planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities and water development and land conservation projects within any metropolitan area shall be submitted for review:

- o to any areawide agency, designated to perform metropolitan or regional planning for the area where the assistance is to be used, composed, to the greatest extent possible, of local elected officials (Sec. 204(a)).
- o each application for federal funding shall be accompanied by the comments and recommendations of the areawide agency and governing bodies of general local government and a statement by the applicant that such comments have been considered.

Guidelines, prepared by the Office of Management and Budget, specify procedures for implementing these requirements (41 FR 8--Jan. 13, 1976). The Southern California Association of Governments is the designated areawide clearinghouse for the South Coast Air Basin.

Environmental Impact Statement

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) requires that all agencies of the Federal government shall, to the fullest extent possible, interpret and administer federal regulations, policies and public laws through:

- o utilization of an interdisciplinary approach which insures the integrated use of natural and social sciences in planning and decision-making which may impact man's environment.
- o identification and development of methods and procedures for including environmental concerns, together with economic and technical considerations, in decision making.
- o inclusion in every recommendation of federal action of:

the environmental impact of the proposed action

any adverse environmental effects which cannot be avoided if implemented

alternatives to the proposed project

relationships between short and long term uses of the environment

any irreversible and irretrievable commitments of resources involved in implementing the action

Guidelines, prepared by the Council on Environmental Quality, for preparing these environmental impact statements are contained in 40 CFR 1500.

Federal Enforcement of Consistency With Clean Air Requirements

Sec. 176 of the Clean Air Act Amendments of 1977 requires the EPA Administrator to withhold any grants authorized by the Act, and the Secretary of Transportation to withhold approval of projects or grants under Title 23 U.S.C. unless the projects are for safety, mass transit or transportation improvement projects related to air quality improvement if:

- o any primary ambient air quality standard has not been attained,
- o transportation control measures are necessary to attain such standards, and
- o a revised implementation plan has not been submitted by July 1, 1979 or reasonable progress is not being made toward submittal of such a plan.

Where an approved SIP, including a plan promulgated by the EPA Administrator, is not being implemented by state or local governments or designated regional agencies, no grants shall be made under the Clean Air Act.

No department or agency of the federal government shall approve or support any activity which does not conform to an approved or promulgated plan. No metropolitan planning organization designated under Section 134 of Title 23 (transportation planning) shall approve any project which does not conform to the SIP.

Departments of the federal government having authority over air quality-related transportation consequences shall give priority to implementation of actions contained in state implementation plans.

Further, Sec. 316 of the 1977 Amendments permits the EPA Administrator to withhold, condition or restrict any grant for construction of sewage treatment plants where he determines:

- o the plants will not comply with applicable air standards
- o the state does not have, or is not carrying out, an approved SIP which expressly quantifies the anticipated increase in emissions, both directly and indirectly, from the proposed treatment plant.

LOCAL PLANNING AND PLAN IMPLEMENTATION

Planning Authority

State:

The Office of Planning and Research in the Governor's Office constitutes the state planning agency. In this capacity it (Cal. Government Code Sec. 65040):

- o engages in the formulation, evaluation and updating of long range goals and policies for land use, population growth and distribution, urban expansion, development, open space, resource preservation and utilization, air and water quality, and other factors which shape state-wide development patterns and significantly influence the quality of the state's environment.
- o assists and coordinates the work of state agencies; coordinates, in conjunction with appropriate state, regional and local agencies, the development of criteria and procedures for evaluation of actions which significantly affect the environment.
- o coordinates technical assistance by state government, including OPR itself, to regional and local planning.

The Legislature's intent is to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters. (Government Code Sec. 65800)

District:

No new authority over land use was conferred on the South Coast Air Quality Management District upon its establishment nor upon the Southern California Association of Governments for purposes of air quality plan preparation and implementation. (H & S Code 40414)

Cities/Counties:

Each city and county in the state is required to establish a planning agency (Government Code Sec. 65100)

Each City and County shall prepare a general plan containing the following mandatory elements: (Government Code Sec. 65302)

- o land use
- o circulation
- o housing
- o conservation
- o open space (this may include unimproved land needed for public health and safety, including protection and enhancement of air quality) Government Code Sec. 65560 (b) (4)
- o seismic safety
- o noise
- o scenic highway
- o safety

The general plan may also contain additional elements which in the judgement of the planning agency relate to the physical development of the county or city. (Sec. 65303)

All cities must prepare general plans containing the mandated elements (Government Code Sec. 65302)

Zoning must be consistent with a city or county's general plan (Government Code 65860) (this includes both mandated elements and any additional elements which the city includes) however, zoning need not be consistent with general plans of charter cities (Government Code Sec. 65700).

Cities may prepare and adopt specific plans including all detailed regulations, conditions, programs and proposed legislation necessary for the systematic implementation of each element of the general plan (Sec. 65451).

No mandatory element of a general plan shall be amended more frequently than three times during any calendar year. (Government Code Sec. 65361)

Consistency of Local Plans With Other Plans

Other Local Plans

- o Every redevelopment plan shall conform to the general plan insofar as the latter applies to the project area (H & S Code Sec. 33331)

- o No local agency shall approve a subdivision map unless it is consistent with the general plan for that area or an adopted specific plan. A proposed subdivision shall not be considered consistent unless the proposed land use is compatible with the objectives, policies, general land uses and programs specified in such plans (Government Code Sec. 66473.4)
- o Plans prepared by Resource and Conservation districts shall conform to the general plan for the area. (Public Resources Code Sec. 9261)
- o The City of Los Angeles shall deny approval of a final or tentative subdivision map if (Govt. Code 66474.61):
 - the map is not consistent with applicable general and specific plans
 - the design is not consistent with applicable general and specific plans
 - the site is not physically suitable for the proposed type or density of development
 - the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or that habitat

Consistency With State Plans

California Coastal Act (Public Resources Code Sec. 30200 et seq)

- o The land use plan of a proposed local coastal program shall be submitted to the regional (Coastal) commission.
- o Where a land use plan is disapproved in whole or in part, a local government may revise a disapproved land use plan and resubmit the revised version to the regional commission or it may appeal to the state commission.
- o The local government shall submit to the commission(s) the necessary zoning ordinances, maps and other implementing actions.
- o Policies contained in the Coastal Act constitute the standards by which the adequacy of local coastal programs is determined
- o The commission may not certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency (Sec. 30522)

Environmental Review

Evaluations of projects in California are conducted through the Environmental impact Report (EIR) process required by the California Environmental Quality Act (CEQA) (Public Resources Code Sec. 21000 et seq.)

- o Public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effect. (Sec. 21002)
- o The Office of Planning and Research shall prepare and develop guidelines for the preparation of environmental impact reports (Sec. 21083) Guidelines are contained in Title 14 of Cal. Admin. Code.
- o An environmental impact report is an informational document which, when its preparation is required by this division, shall be considered by every public agency prior to its approval or disapproval of a project. (Sec. 21061)

INTERRELATIONSHIPS: A SUMMARY

There is an increasing attempt on the part of federal and state legislators and officials to bring the divergent planning programs into a coherent planning process. How this relationship may be integrated in one program is exemplified by draft guidelines for the Coastal Zone Energy grant program issued on August 15, 1977 by the California Coastal Commission and the Office of Planning and Research.

Principles

- o The distribution of interim CEIP monies will be based on the immediacy and severity of the energy related impacts addressed. Disbursements will reflect an evaluation ranking (based on magnitude of impacts, and relationships to the achievement of state, regional, and coastal zone management goals.)
- o The allocation process will allow the full participation of state agencies, local governments, and interest groups as well as the general public.
- o The allocation of funds will be consistent with:
 - Section 308 of the Coastal Zone Management Act of 1972, as amended;
 - Final Regulations for the Coastal Energy Impact Program (Federal Register: August, 1977):
 - OCZM guidelines for the administration of CEIP funds;
 - California Coastal Management program administered by the California Coastal Commission.
 - San Francisco Bay segment of the California Coastal Management program administered by BCDC;
 - Population projections by the applicable regional council of governments;
 - Applicable state, local, and regional plans and policies.
- o The allocation process will have sufficient flexibility to recognize local and regional variations, as well as the different purposes of the five basic types of CEIP assistance.

- o Applicants must clearly and conclusively demonstrate the need for the project, its relationship to coastal energy facilities, its consistency with the Coastal Act (and the McAteer-Petris Act in the San Francisco Bay area), and consistency with local coastal programs.
- o In general, applications submitted by units of local general purpose government and state agencies will receive priority.
- o Funds will not be approved if their expenditure will induce coastal development that would be inconsistent with the California Coastal Management Program.

FINDINGS

Although the South Coast Air Quality Management District has no authority over local zoning, it does have authority to influence local land use decisions through its existing permit powers. Requirements for consistency between local, state and federal plans, together with consistency requirements between local plans and zoning, could provide the framework for regional air management. Legislative insistence that federal grants be awarded only when a determination of consistency to an approved State Implementation Plan can be demonstrated could offer the District a new enforcement tool upon completion of the Air Quality Management Plan.

NEEDED AUTHORITIES BIBLIOGRAPHY

Additions and Revisions to the Implementation Plan for the Control of Carbon Monoxide, Nitrogen Oxides, Hydrocarbons and Photochemical Oxidants for the District of Columbia, Portion of the National Capital Interstate Air Quality Control Region, Legal Authority Section, p. 7-39 et seq. 1973. Government of the District of Columbia.

National Resources Defense Council, Inc., Land Use Controls in the United States, Elaine Moss, Editor. Dial Press, New York. 1977.

San Diego Air Quality Planning Team, Regional Air Quality Strategies for the San Diego Air Basin, April 1976.

Urban Land Institute, Management and Control of Growth, Vols. I, II and III. Edited by Randall W. Scott. 1975.

California Land Use Task Force, The California Land-Planning for People. Planning and Conservation Foundation, 1975.

Simmons, William and Robert H. Cutting, Jr., "A Many Layered Wonder: Nonvehicular Air Pollution Control Law in California," The Hastings Law Journal, Volume 26, September 1974.

United States Environmental Protection Agency, Open Space as an Air Resource Management Measure Volume II: Design Criteria, Desanto, R.S. and R.A. Glaser, W. P. McMillen, K. A. MacGregor and J. A. Miller, December 1976.

Livingston and Blayney, City and Regional Planners, "A Report on Guidelines for Relating Air Pollution Control to Land Use and Transportation Planning in the State of California," prepared for the California Air Resources Board, July 1973.

Dales, J. H. Pollution, Property and Prices. Toronto: University of Toronto Press, 1968.

Hagevik, G., D. Mandelker and R. Brail. Air Quality Management and Land Use Planning: Legal, Administrative and Methodological Perspectives. Rutgers University, EPA Contract 68-02-0278, New Brunswick, N.Y. February 1973.

Croke, E. J. K. G. Croke, A. S. Kennedy and L. J. Hoover. The Relationship Between Land Use and Environmental Protection, NTIS PB 209642, 1972.

California Air Resources Board, Air Quality-Land Use Considerations in Ongoing State Planning Process, September 1974.



CL24903179

Brail, R. N. and D. R. Mandelker, T. A. Sherry, G. Hagevik, Emission Density and Allocation Procedures for Maintaining Air Quality, prepared for United States Environmental Protection Agency, June 1975.

South Coast Air Quality Management District, Rules and Regulations, 1977.

O'Connor, Joseph T., "The Automobile Controversy," Ecology Law Quarterly, Vol. 4:661, 1975.

Ferguson, Arthur B. Jr., "Direct Federal Controls: New Source Performance Standards and Hazardous Emissions," Econology Law Quarterly, 4:645, 1975.

Ayres, Richard W., "Stationary Sources," Ecology Law Quaterly, 4:441, 1975.

Mandelker, Daniel R. and Thea A. Sherry, "Emission Quota Strategies as an Air Pollution Control Technique," Ecology Law Quarterly, Vol. 5:401.

Doniger, David D., "Air Zoning," Ecology Law Quarterly, Vol. 4:781.

Cutting, Robert H., Jr., The Integration of Air Quality/Land Use Strategies: Legal Considerations, Prepared for the Office of Environmental Quality, County of Santa Barbara, 1977.

Krier, James E., Environmental Law and Policy, Bobbs-Merrill Company, Inc. 1971.

Southern California Air Pollution Control District, Air Quality and Meterology, 1975 Annual Report.

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